

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
HUB GROUP, INC.,

Plaintiff,

- against -

SPL GROUP, INC.,

Defendant.  
-----X

23 Civ. 8728 (JGK) (GS)

ORDER**GARY STEIN, United States Magistrate Judge:**

Due to Defendant's filing of a timely Amended Answer and Counterclaim on May 6, 2024 (Dkt. No. 39), and Plaintiff's May 28, 2024 Answer and Motion to Strike Defendant's Fourth Affirmative Defense in response (*see* Dkt. Nos. 41-42), Defendant's January 16, 2024 pleading (Dkt. No. 19) is no longer operative. *See Tripathy v. McClowski*, No. 21-2094, 2022 WL 2069228, at \*2 (2d Cir. June 9, 2022) (summary order) (citing 6 C. Wright & A. Miller, Federal Practice and Procedure § 1476 (3d ed.) ("Once an amended pleading is interposed, the original pleading no longer performs any function in the case . . . .")); *see also Silk v. HCMC Legal, Inc.*, No. 20 Civ. 10389 (KPF), 2021 WL 735348, at \*1 (S.D.N.Y. Feb. 24, 2021) ("The Court agrees with Defendants that their original Answers were superseded by the subsequent filing of their Amended Answers."). Therefore, Plaintiff's April 8, 2024 motions for a more definite statement and to strike six of Defendant's affirmative defenses (Dkt. Nos. 30 and 31), are **DENIED as MOOT**.

The Clerk of Court is respectfully directed to close the open motions at  
Docket Numbers 30 and 31.

**SO ORDERED.**

DATED: New York, New York  
May 31, 2024

  
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GARY STEIN  
United States Magistrate Judge